

The Isowaki patent was filed on November 20, 1998 and issued on July 9, 2002. Applicant filed the present application on September 12, 2000. Therefore, the Isowaki patent can qualify as prior art, if at all, only under one or more of 35 U.S.C. § 102(e), (f), or (g). Moreover, the Isowaki patent is assigned on its face to Kabushiki Kaisha Sega Enterprises, the same assignee as the present application.

As reflected in the American Inventors Protection Act of 1999, however, 35 U.S.C. § 103(c) now states that the prior art under § 102(e) shall not preclude patentability of an invention if the invention was (1) developed by another person, and (2) commonly owned or subject to an obligation of assignment to the same person. The Isowaki patent meets both of these requirements, as Masaaki Ito, the inventor of the present application, is not an inventor of the Isowaki patent, i.e., Masaaki Ito is another person or inventive entity in the eyes of the law. Further, as noted above, Kabushiki Kaisha Sega Enterprises is the assignee of both Isowaki and the present application. Therefore, under 35 U.S.C. § 103(c) the Isowaki patent is not available as prior art in the present application.

The secondary references of Inoue and Oka, cannot stand alone, the Examiner recognized in the Office Action on page 7, line 12. Without Isowaki, the 103(a) rejections cannot be maintained.

Applicant therefore respectfully request the Examiner withdraw the rejection of claims 1 and 6-12.

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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